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S.D. OF N.Y.

Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

September 6, 2019

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Lugo v. City of New York, et al., 19-CV-6086 (VSJ)(BM)
Application for Enlargement of Time (FRCP Rule 6[B])

Dear Judge Broderick:

Please accept this letter as formal application for permission for an enlargement of time pursuant the Federal Rule and Civil Procedure Rule 6(B), ("FRCP") effectuate service in accordance with the Court's order dated July 10, 2019.

In accordance with the your honor's order, service, with the assistance of the U.S. Marshall is to be completed 90 days after the issuance of the summons. I have received two Process and Receipt Forms (US Marshall Service Forms attached) indicating that process could not be served on the following defendants:

1. Police Officer Pedro Gomez (shield #580) (alleged no one with that name assigned to the 42 Precinct);
2. Police Officer Sasha Brugal (shield #265) (alleged the officer no longer works at the 42 Precinct).

However, Defendant Police Officer Jose Valdez (shield # 1824) has been served with process. On August 8, 2019, Giancarlo Martinez, Assistant Corporation Counsel, on behalf of the Office of Corporation Counsel of the City of New York, has filed a Notice of Appearance for the interested party.

Based on the forementioned, I respectfully ask for the court's order to direct the Office of the Corporation Counsel of the City of New York to either:

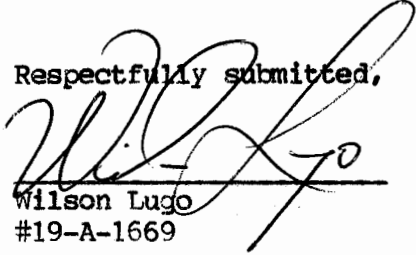
(1) provide the U.S. Marshall with the current employment address or home address (which the Defendant City of New York Police Department maintains past and current personal employee records on file per policy, or its current employee or duty roster) for the both Defendants Police Officers Brugal and Gomez; or

(2) the Office of the Corporation Counsel accept service on behalf of both Defendants Police Officers Brugal and Gomez taking into account that neither U.S. Marshall Process Receipt Forms indicate that defendants no longer work for the Defendant City of New York's Police Department.

Furthermore, I wish to inform the Court that I will need its assistant in accordance with Valentin v. Dinkins, 121 F.3d 72(2nd Cir. 1997) to obtain the true identity of John Doe (one four to five officers who participated in the excessive use of force perpetrated against me) and amend my complaint (FRCP, Rule 15) and effectuate service of process (FRCP Rule 4[m]).

For the foregoing reasons, I respectfully ask the Court to grant my application for an enlargement of time and direct the Defendant City of New York's Corporation Counsel to provide the necessary addresses to serve process, or in the alternative accept process of service..

Respectfully submitted,


Wilson Lugo
#19-A-1669

I, Wilson Lugo, certify that the forgoing (Letter Application for an Enlargement of Time to Effectuate Process) was served in accordance with FRCP Rule 5, by mailing an original copy thereof this 9 day of September 2019, to:

Zachary W. Carter
Corporation Counsel of the
City of New York
Department of Law
Special Federal Litigation Division
100 Church Street
New York, NY 10007

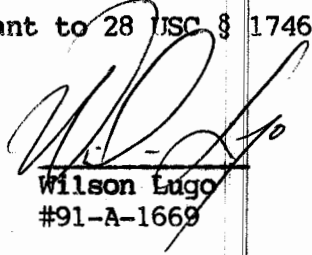
By depositing document in a mail box at: Clinton Correctional Facility, P.O. Box 2001, Dannemora, NY 12929.

I declare under the penalty of perjury, pursuant to 28 USC § 1746 that the foregoing is true and correct.

SO ORDERED:



HON. VERNON S. BRODERICK 9/13/2019
UNITED STATES DISTRICT JUDGE

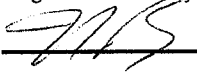
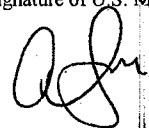

Wilson Lugo
#91-A-1669

Application granted in part and denied in part. The deadline for Plaintiff to effectuate service is adjourned sine die (i.e., without limit). Plaintiff is advised that on September 4, 2019, I entered an order directing Defendant City of New York (the "City") to ascertain the addresses where Defendants Brugal and Gomez may be served. (Doc. 14.) On September 10, 2019, I entered an order staying this matter pending the conclusion of the investigation by the Civil Complaint Review Board ("CCRB"). (Doc. 16.) After the CCRB investigation has concluded, I will enter an order: (1) directing the City of New York to identify the John Doe Defendants; and (2) setting a deadline for Plaintiff to amend the complaint naming the John Doe Defendants. The Clerk of Court is respectfully directed to mail a copy of this endorsement to the pro se Plaintiff.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Wilson Lugo		COURT CASE NUMBER 19cv6086 (VSB)	
DEFENDANT Aygemong et al		TYPE OF PROCESS Summons & Complaint	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Police Officer Pedro Gomez #580		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 42nd Precinct 830 Washington Ave Bronx, New York 10451		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW Wilson Lugo DIN No. 19A1669 Clinton Correctional Facility P.O. Box 2001 Dannemora, NY 12929		Number of process to be served with this Form 285 Number of parties to be served in this case Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):			
Signature of Attorney or other Originator requesting service on behalf of: 		<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER DATE 7/11/2019
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process P4	District of Origin No. 054	District to Serve No. 054 Signature of Authorized USMS Deputy or Clerk Date JUL 12 2019
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.			
<input checked="" type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)			
Name and title of individual served (if not shown above)		Date 8/23/19	Time 10:00 <input checked="" type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)		Signature of U.S. Marshal or Deputy  #4416	
Service Fee \$73.00	Total Mileage Charges (including endeavors) \$13.22	Forwarding Fee	Total Charges \$86.22 Advance Deposits Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS

JUL 12 2019 - Set up for mail ser.

8/19/19 Set up for PLS

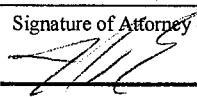

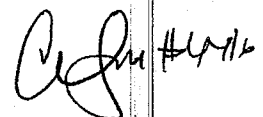
8/23/19 - no one with that name works at location. unable to serve.

19-0086-42

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Wilson Lugo		COURT CASE NUMBER 19cv6086 (VSB)	
DEFENDANT Aygemong et al		TYPE OF PROCESS Summons & Complaint	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Police Officer Sasha Brugal #265		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 42nd Precinct 830 Washington Ave Bronx, New York 10451		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW Wilson Lugo DIN No. 19A1669 Clinton Correctional Facility P.O. Box 2001 Dannemora, NY 12929		Number of process to be served with this Form 285 Number of parties to be served in this case Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):			
Signature of Attorney or other Originator requesting service on behalf of: 		<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER DATE 7/11/2019
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 	District of Origin No. 054	District to Serve No. 054 Signature of Authorized USMS Deputy or Clerk Date JUL 12 2019
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.			
<input checked="" type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)			
Name and title of individual served (if not shown above)		Date 8/23/19	Time 10:00 <input checked="" type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)		Signature of U.S. Marshal or Deputy 	
Service Fee \$73.00	Total Mileage Charges (including endeavors) \$13.22	Forwarding Fee	Total Charges \$86.22 Advance Deposits Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS

JUL 12 2019 - Set up for mail ser.

8/19/19 - Set up for PIS

8/23/19. No longer works at location. Unable to serve.

19-6086-3

Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

September 9, 2019


Zachary W. Carter
Corporation Counsel of the
City of New York
Department of Law
Special Federal Litigation Division
100 Church Street
New York, NY 10007

Re: Lugo v. City of New York, et al., 19-CV-6086 (VSJ((BM)
Application for Enlargement of Time (FRCP Rule 6[B])

Dear Mr. Carter:

Please find a copy of my application for an enlargement of time to service process and learn identity of John Doe or John Does in relations to the above referenced action.

Thank you for your consideration.



Wilson Lugo
#19-A-1669

cc: file

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S.D. OF N.Y.

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
CLINTON CORRECTIONAL FACILITY

P.O. BOX 2261
DANNEMORA, NEW YORK 12929

NAME:

Wilson Lugo

DIN:

1941669

Correctional Facility



Clinton

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PRO-SE INTAKE

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To: Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007